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<h2 style="margin: 0;">TRANSMITTAL FORM</h2> <p style="margin: 5px 0;">(to be used for all correspondence after initial filing)</p>		Application Number	09/404,706
		Filing Date	September 23, 1999
		First Named Inventor	WILLIAMS, LEWIS T.
		Group Art Unit	1631
		Examiner Name	J. Zhou
Total Number of Pages in This Submission		Attorney Docket Number	2300-1492
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Communication <input checked="" type="checkbox"/> Affidavits/declaration(s) 1. Declaration of Wilhelm Palmen Four Exhibits (Mail Log, Facsimile Log, Computer Log and Manual Log) 2. Declaration of Deborah Mark One Exhibit: Database Generated Log at Chiron <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual Name	CAROL L. FRANCIS, REG. NO. 36,513		
Signature			
Date	July 10, 2002		

CERTIFICATE OF HAND DELIVERY			
I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office by Hand Delivery to Group Art Unit 1631, Examiner J. Zhou.			
Typed or printed name	MAIHAN VO	Date	07/11/02
Signature			

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Typed or Printed Name NAI HAN VO			
Signature <i>maida</i>		Date 07/11/02	

<b>COMMUNICATION REGARDING NON-RECEIPT OF OFFICE ACTION</b>  Address to: Examiner J. Zhou (Group Art 1631) Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	2300-1492 #15
	First Named Inventor	Williams et al.
	Application Number	09/404,706
	Filing Date	September 23, 1999
	Group Art Unit	1631
	Examiner Name	J. Zhou
	Title: "HUMAN GENES AND GENE EXPRESSION PHOSPHATASES"	

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Dear Sir:

This Communication is responsive to Examiner Zhou's telephonic request that applicants provide evidence of the non-receipt of an Office Action in the above-referenced application.

In various teleconferences with the undersigned during June 2002, Examiner Zhou indicated that an Office Action for the above-referenced application had been mailed in December 2001. No reply to the Office Action had been filed.

However, no reply was filed to the Office Action since no communication of any kind -- including an Office Action -- had been received by either applicants or applicant's attorney of record.

Examiner Zhou requested that applicants provide evidence of non-receipt of an Office Action between December 1, 2001 and January 31, 2002. Examiner Zhou indicated that such evidence should be sufficient to avoid a receipt of a Notice of Abandonment in the above-referenced application.

Applicants provide the requested evidence with this Communication. This evidence includes:

1) a declaration under 37 CFR §1.132 by Deborah Mark, patent administrator for Chiron Corporation, stating that no Office Action was received from the U.S. Patent Office between December 1, 2001 and January 31, 2002 in the above-referenced application; and

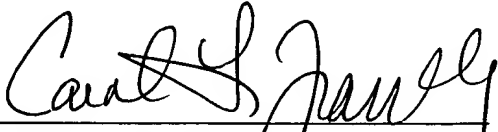
2) a declaration under 37 CFR §1.132 by Wilhelm Palmen, U.S. docketing clerk for Bozicevic, Field & Francis, LLP, the firm of applicants' attorney of record, which declaration states that no Office Action was received from the U.S. patent office or from Chiron Corporation between December 1, 2001 and January 31, 2002 in the above-referenced application.

Applicants respectfully submit that in view of the evidence provided with this Communication, no Office Action was received in the above-referenced application. Applicants request that the Office Action be re-mailed to the correspondence address in the file.

The Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

BOZICEVIC, FIELD & FRANCIS LLP

Date: July 10, 2002

By:   
Carol L. Francis  
Registration No. 36,513

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